

# Legislative Analysis



## REPEAL PROVISIONS FOR SITING CERTAIN LARGE-SCALE ENERGY FACILITIES

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<http://www.house.mi.gov/hfa>

**House Bills 4027 and 4028 as introduced**  
**Sponsor: Rep. Gregory Alexander**  
**Committee: Energy**  
**Complete to 4-21-25**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

**House Bill 4028** would repeal Part 8 of the Clean and Renewable Energy and Energy Waste Reduction Act. That part, added to the act in 2023, created a certification process, through the Michigan Public Service Commission (MPSC), for large-capacity wind, solar, and energy storage facilities. Generally speaking, the MPSC certification process under Part 8 preempts local zoning and regulation of those facilities, although in some circumstances a local government with an ordinance whose requirements are aligned with the MPSC certification standards can act as a permitting authority.<sup>1</sup>

MCL 460.1013 and MCL 460.1221 to 460.1232 (repealed)

**House Bill 4027** would amend the Michigan Zoning Enabling Act to remove a provision making zoning ordinances subject to Part 8 of the Clean and Renewable Energy and Energy Waste Act, which HB 4028 would repeal. The bill also would remove language (originally added to the law at the same time as the Part 8 provision) that says that a renewable energy project receiving special land use approval under section 502 of the act on or after January 1, 2021, is considered to be a prior nonconforming use, and the special land use approval cannot be revoked or modified if substantial construction has occurred or an expenditure equal to the lesser of \$10,000 or 10% of the project construction costs has been made.

MCL 125.3205

### BACKGROUND:

Part 8 of the Clean and Renewable Energy and Energy Waste Reduction Act was added, and coordinating changes to the Zoning Enabling Act were made, by 2023 PAs 233 and 234 (House Bills 5120 and 5121 of the 2023-24 legislative session).<sup>2</sup>

### FISCAL IMPACT:

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

<sup>1</sup> See <https://www.legislature.mi.gov/Bills/Bill?ObjectName=2023-HB-5120>

<sup>2</sup> For a description of the changes made by those public acts, see <https://www.legislature.mi.gov/documents/2023-2024/billanalysis/House/pdf/2023-HLA-5120-9233CFC8.pdf>